

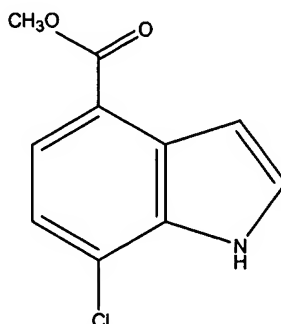
VI. Claims 23-24 drawn to a method for making a compound of formula IV.

REMARKS

Claims 1-24 are pending in this application and presented for examination.

Applicants hereby elect Group I, drawn to a compound of formula I, with traverse. Claims 1, 2, 7-12 are readable thereon.

As to the species election, Applicants hereby elect the compound of Claim 12, set forth below:

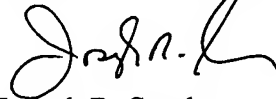


Applicants respectfully traverse the restriction requirement. Applicants submit that the restriction requirement is improper. Under M.P.E.P. § 803, restriction is proper only when two criteria are met: (A) The inventions must be independent; *and* (B) there must be a serious burden on the Examiner if restriction is required. Without addressing the first issue, it is obvious that there is no serious burden on the Examiner. Applicants have submitted the International Search Report which evidences unity of invention. Thus, the subject matter of the instant application has already been searched. Therefore, no serious burden exists for the Examiner. In view of the foregoing, Applicants respectfully request that the restriction requirement be withdrawn.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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JS:jc

60244258 v1

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

02/288-00510PC

(PCT Article 18 and Rules 43 and 44)

| | | |
|--|---|---|
| Applicant's or agent's file reference 21288-510PC | FOR FURTHER ACTION | see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below. |
| International application No. PCT/US03/20395 | International filing date (day/month/year) 27 June 2003 (27.06.2003) | (Earliest) Priority Date (day/month/year) 28 June 2002 (28.06.2002) ✓ |
| Applicant IRM LLC | | |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. _____



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures

CJW

INTERNATIONAL SEARCH REPORT

PCT/US03/20395

Continuation of B. FIELDS SEARCHED Item 3:

STN ONLINE

search terms: 4,7-disubstituted indoles, LSD, Hippadine, 7-Octylindolactam V

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/20395

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A61K 31/405, 31/40

US CL : 514/415, 418, 419

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 514/415, 418, 419

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
Please See Continuation Sheet

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|--|-----------------------|
| X,P | WO 2004/014294 A2 (IRM LLC) 19 February 2004 (19.02.2004), see abstract. | 1-24 |
| X,P | Database HCAPLUS on STN, No. 2003:98290, ALPER et al. 'Practical Synthesis and Elaboration of Methyl 7-Chloroindole-4-Carboxylate,' abstract, Journal of Organic Chemistry, 2003, Vol. 68, No. 5, pp. 2051-2053. | 1-24 |

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

21 March 2004 (21.03.2004)

Date of mailing of the international search report

19 APR 2004

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
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